City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2400152

Applicant Name: Ted McLean for Housing Resource Group

Address of Proposal: 1020 Seneca Street

SUMMARY OF PROPOSED ACTION

A Master Use Permit to establish use for installation of a minor communication utility (Cingular Wireless), consisting of three panel antennas mounted to the penthouse wall of an existing apartment building. The project also includes locating accessory equipment cabinets on a 96 square foot concrete pad adjacent to the building at grade.

The following approvals are required:

Administrative Conditional Use - To allow a minor communication utility on an existing apartment in a Multifamily Highrise zone.

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: [ ] EXEMPT [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition involving another agency with jurisdiction.

* Project revised to include Administrative Conditional Use component on April 1, 2004
**Early Notice DNS published February 26, 2004

BACKGROUND DATA

Site Location and Description

The subject property is located at the northwest corner of the intersection at Seneca Street and Boren Avenue near the north edge of the First Hill neighborhood. The site is bounded to the east by Boren Avenue and Seneca Street to the south. The subject site is nearly square in shape (128 feet x 100 feet) and encompasses a land area of approximately 12,800 square feet in a Multifamily Highrise (HR) zone with a height limit of 160 feet. Additionally, the site is within the First Hill Urban Village and First Hill Station Area Overlay District. The development site slopes moderately downward from the southeast corner to its northwest corner.

The site is currently developed with a 5 - story brick apartment building (John Winthrop Apartments). Constructed in 1925, the building has an institutional feel, with its dark brick façade and fenestration consisting of uniform crème tone window frames. The main entrance is located along the Seneca Street frontage towards the middle of the building. The brick façade building is located along street frontages except for a modulated portion extending 20 feet in depth that enhances the main entrance at the structure's midpoint. The rear façade is modulated approximately 35 feet in depth to accommodate a tree shaded open space court yard for the building's inhabitants. The principal use within the structure is residential with minor communication utility uses recently established on the rooftop. The existing antennas are located on the roof of the elevator penthouse within a shroud to screen antennas. The accessory equipment cabinets are located on a lower level roof in the building's rear.

The surrounding neighborhood is also zoned HR. A Major Institution Overlay with a height limit of 240 feet (MIO-240-HR) surrounds the site to the north, west, and south. The Major Institution Overlay supports Virginia Mason Medical Center's master program for current and future capital development. In the immediate vicinity, development consists of five to eighteen story apartment buildings and parking lots consistent with the zoning designations. Properties to the southwest of the site are developed as part of the Virginia Mason Hospital complex with a variety of multi-story structures supporting the Medical Center. Due to the surrounding topography, the subject site's five story apartment building is overshadowed by several buildings in the immediate vicinity. From the intersection of Boren Avenue and Seneca Street, the subject site's southeast corner, this First Hill neighborhood slopes abruptly downward to the north and west. As a result of the topographical conditions, the subject site's rooftop is exposed to neighboring residential buildings and Virginia Mason patients and staff. The existing antennas are not visible to the public at street level. Boren Avenue is a primary arterial conveying vehicles north and south along First Hill connecting South Seattle to Lake Union.

Proposal Description

This Master Use Permit (MUP) application proposes to establish use for the installation of a minor communication utility (Cingular Wireless) on the rooftop of an existing 5 - story residential building. The proposed facility will consist of three (3) panel antennas, one will be located in simulated brick chimney shroud on the stairway penthouse approximately 13 feet above top of roof; the second and third antenna, approximately 10 feet above roof top, will be attached to the face of the structure's elevator penthouse. The applicant has proposed to convert an unenclosed area housing a surface level oil tank to secure and protect the proposed accessory equipment cabinets from unauthorized personnel. The

equipment cabinets will be located on an existing concrete slab enclosed within a fenced in area painted to match the existing residential building adjacent to an outdoor courtyard.

Public Comment

Date of Notice of Application : April 01, 2004
Date End of Comment Period: April 14, 2004*
Letters 2
Issues: The comment letter addressed the potential conspicuous location of the proposed antennas on the roof top of a building that is shorter than buildings in the surrounding area. Visual impacts of the proposed antennas if not adequately addressed would have a negative impact upon the streetscape and surrounding taller residential buildings.

*The public comment period originally ended on March 10, 2004 but was revised to include the Administrative Conditional Use component.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multifamily Highrise Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, meets the development standards of subsection C and the requirements of this section enumerated below:

1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The applicant's plans depict a thoughtful integration of the telecommunication facility into the architectural design of the existing building. By proposing a screening technique that employs a faux brick chimney surface that resembles the existing brick treatment throughout the building's exterior, the applicant has succeeded in designing a cohesive relationship to the existing architectural integrity for one of the three antennas. Architecturally, this screening technique effectively harmonizes with the building's brick façade treatment. The two antennas proposed to be attached to the elevator penthouse employ color techniques to integrate into the rooftops existing conditions. This is inconsistent with the continuation with a cohesive relationship to the buildings design and faux brick chimney proposed for the other antenna. Therefore, the two proposed antennas attached to the elevator penthouse will be required to be fully screened with materials that will be sympathetic in materials and design to existing roof top conditions, thus satisfying this criterion (See applicant's declarations and submitted plans). The accessory equipment cabinet and associated devices will be hidden behind a six (6) foot tall solid fence painted to match surrounding colors. The area outside adjacent to the fence is landscaped and

will provide additional screening to minimize the visual impact of the equipment cabinets. Therefore, this proposal does not represent a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially zoned area.

The noise level is estimated to be below the ambient level of residential uses within the Multifamily Highrise (HR) zone according to the project acoustics' report. Traffic impact is not anticipated other than one service visit per month. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the existing conditions (brick and color palette). Given these existing conditions and additional camouflaging screening techniques of the antennas encased within shroud covers resembling brick and other façade materials to match the surface of the elevator penthouse, and the location of the associated equipment cabinet behind a landscaped area and a painted 6 foot tall fence, the proposed minor communications utility would be minimally obtrusive and not detrimental to the residential streetscape character along Boren Avenue and Seneca Street.

2. The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of a faux brick exterior shell and façade materials to match the surface of the elevator penthouse. It is designed to resemble the existing treatments on the roof in order to screen and camouflage the antenna location. The proposed faux form like screening of the antennas and related equipment would blend with the color of the building and is a condition of approval of this permit. The associated cabinet equipment will be located in the existing retrofitted storage space located within a 35 foot deep outside courtyard in the buildings rear setback and will not be visible from the outside.

3. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

a. the antenna is at least one hundred feet (100') from a MIO boundary; and
b. the antenna is substantially screened from the surrounding neighborhood's view.

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

4. If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.

The proposed project is not designed to exceed the zoned height limit. Therefore, this requirement does not apply to the subject proposal.

5. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Multifamily Highrise zone, which is within the height limit of the underlying zone, is **CONDITIONALLY APPROVED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Ted McLean, the applicant on February 13, 2004, and supplemental information in the project file submitted by the applicant. The information in the checklist, supplemental information, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood

plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radio frequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Land Use Code Requirement (Non Appealable) Prior to Issuance of Master Use Permit

1. The owner(s) and/or responsible party(s) shall update the official MUP plan set to demonstrate compliance with screening techniques in accord with Section 23.57.016.C & D which illustrate visual impacts. This shall be to the satisfaction of the Land Use Planner.

Prior to Issuance of Master Use Permit

2. The owner(s) and/or responsible party(s) shall revise plans to demonstrate that all antennas and support structures are designed and painted to blend with the materials and color (non-glare) of the existing brick building. All antennas shall be shrouded within a faux brick or faux elevator facing material screen.

3. The owner(s) and/or responsible party(s) shall revise plans to demonstrate that the shrouds shall be continued to the roof surface.

4. The owner(s) and/or responsible party(s) shall revise plans to demonstrate that all fences and gates openings are painted with a low gloss or flat color to minimize contrast with the existing building and courtyard landscaped area.

5. The owner(s) and/or responsible party(s) shall revise plans to demonstrate that the cable system shall be shrouded with a low gloss or flat color to minimize contrast with the existing building.

CONDITION - SEPA

During Construction

6. The following conditions to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

   - The applicant shall limit external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m.

Signature: (signature on file) Date: June 14, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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